



Atty. Dkt. No. 018733-1015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hans J. Hansen, et al.

Title: PRODUCTION AND USE OF NOVEL PEPTIDE-BASED AGENTS FOR USE WITH BI-SPECIFIC ANTIBODIES

Appl. No.: 09/823,746

Filing Date: 04/03/2001

Examiner: David A. Saunders

Art Unit: 1644

TECH CENTER 1600/2900

DEC 02 2002

RECEIVED

#5
ms
12/7/02

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed October 30, 2002 Applicants hereby elect Group I, claims 1-47, for examination, with traverse. Applicants traverse the restriction requirement on the ground that there is no undue burden on the Examiner to examine Groups I - IV together. The restriction indicates that a search for all groups is mostly co-extensive in terms of subject matter classification. Applicants respectfully ask the Examiner to consider whether any of the groups might be joined with the elected group.

Pursuant to 35 U.S.C. § 121, the Examiner has required Applicants to elect a single disclosed species if any of groups I - III are elected, even though this requirement is traversed.

Applicants hereby elect species (a) found on page 17, line 31: DOTA-Phe-Lys(HSG)-D-Tyr-Lys(HSG)-NH₂.

It is understood that should the Examiner find claims that read on the above-mentioned species allowable, then the search and examination of the entire application will proceed according to the procedure set forth in MPEP § 803.02.

Applicants reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Applicants respectfully request examination on the merits of this application. If Examiner Saunders believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date Nov. 27, 2002

By Stephen B. Maebius

FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264